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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,044	07/30/2003	Chistopher Hsu	LEEE 200301	7391

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EXAMINER

RIVERA, WILLIAM ARAUZ

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,044

Applicant(s)

HSU ET AL.

Examiner

William A Rivera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-26 and 35-37 is/are allowed.
- 6) ☒ Claim(s) 27-34, 38, 39 and 41 is/are rejected.
- 7) ☒ Claim(s) 40 and 42 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/30/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Claim Objections

Claims 7-13, 15 and 39 are objected to because of the following informalities:

With respect to Claims 7-13 and 15, each of these claims is missing a period --- at the end of the sentence.

With respect to Claim 39, the word --a-- should be inserted between the words “is” and “polymer”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by Blain et al (U.S. Patent No. 6,547,176).

With respect to Claim 38, Blain et al, Figures 1-4, teach a welding wire package comprising a drum 9 with a central axis, multiple layers of looped welding wire defining a stack wire to be paid out, said stack having an upper ring shaped surface with an outer cylindrical surface and an inner cylindrical surface defining a central bore concentric with said central axis and a flexible retainer ring 21 on top of said upper ring shaped surface, said retainer ring allowing welding wire to be paid from under the ring upwardly from said stack.

Claims 27-29 and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Farahmand (U.S. Patent No. 6,406,419).

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With respect to Claims 27 and 31, Farahmand, Figures 8 and 9 and Column 4, lines 37-45, teaches a ring 20, said ring being a flat sheet of flexible permanent magnet material with an outer periphery and an inner periphery.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blain et al as applied to claim 38 above.

With respect to Claims 39 and 41, Blain et al are advanced above. Blain et al teaches all the elements of the welding wire package except for the thickness of the flexible ring. However, it would have been an obvious to one of ordinary skill in the art, as determined through routine experimentation and optimization, to dimension the flexible ring of Blain et al as specified in Claims 39 and 41, line 2 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

Claims 30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farahmand as applied to claims 27-29 and 31-33 above, and further in view of Srail et al (U.S. Patent No. 5,942,961).

With respect to Claims 30 and 34, Farahmand is advanced above. Srail et al, Columns 5, lines 46-60, teach the use of ferrite particles in a non-magnetic binder. It would have been

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obvious to one of ordinary skill in the art to provide Farahmand with a binder, as taught by Srail et al, for the purpose of maintaining the materials together.

Allowable Subject Matter

Claims 1-26 and 35-37 are allowed.

Claims 40 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A Rivera whose telephone number is 703-308-2684.

The examiner can normally be reached on Monday to Friday - 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 703-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM A. RIVERA
PRIMARY EXAMINER**

September 17, 2004